

### REMARKS

Reconsideration of the present patent application is respectfully requested. By this amendment, claims 9 and 15-20 have been amended, claims 1-8, 10-14 and 21-30 have been cancelled and claims 31-61 have been added as new claims. Support for the new claims and amendments can be found on page 4, lines 4-21 of the specification as filed, as well as in the original claims and Figures, particularly in Figure 3. As such, Applicant submits that no new matter has been introduced in these new claims.

### The Claims:

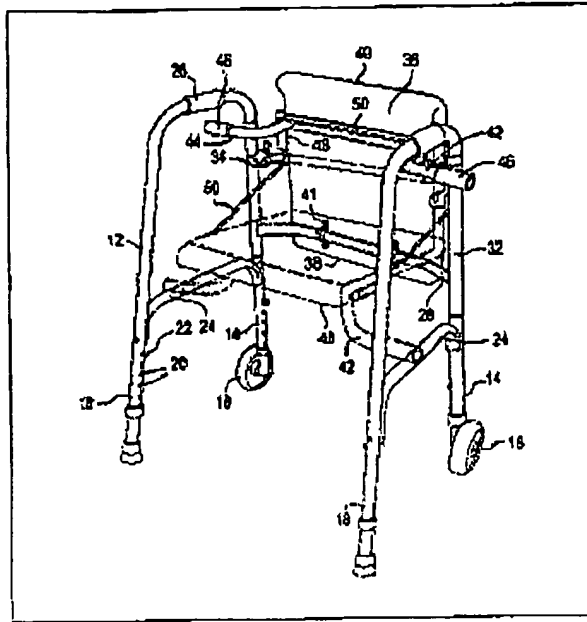
All of the claims stand rejected under prior art grounds. In this regard, the claims have been amended to more clearly describe the invention.

#### Claims 9 and 60:

Claim 9 has been amended to describe an ambulatory device having, among other things:

“two support brackets spaced from said second section, wherein said support brackets are disposed on either side of said seat to secure said seat to said frames when said seat is in said first position; wherein said support brackets provide support for the ambulatory device when said seat is in said first position such that when lateral force is applied to the side frames, the lateral force is distributed along the support brackets and across said seat.”

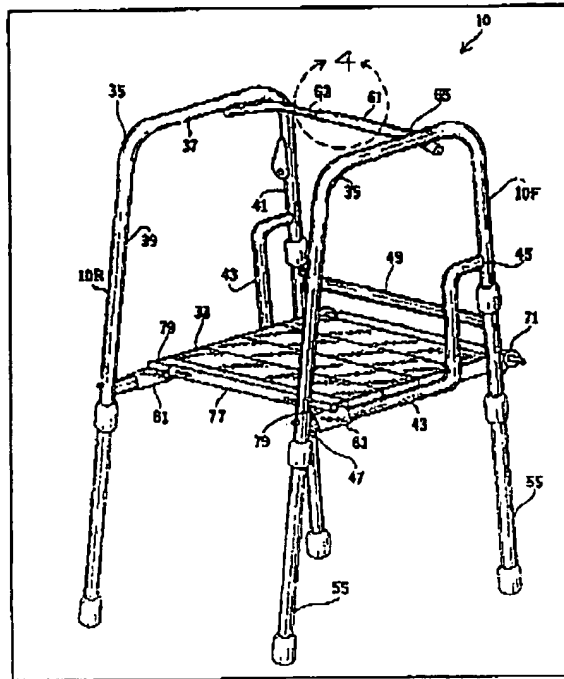
Claim 60 includes a similar limitation. It is respectfully submitted that none of the cited and relied upon references teach or suggest such support brackets. Specifically, US Patent No. 6,371,142 to Battison, discloses that “curved members 42 *rest on the side braces 24* and thus support the seat.” (column 4, lines 61-62) (emphasis added). This can further be seen in the Figure 2B reproduced herein below:



United States Patent No. 6,371,142 to Battison - Figure 2B

The support members 42 do not provide lateral support to the side frames, as claimed in amended claim 9.

It is respectfully submitted that the remaining references fail to cure this deficiency in Battison. For example, US Patent No. 5,904,168 to Alulyan discloses a "seat 33 [which] includes a tubular rear end 77, to which a pair of seat support rods 79 are slidably mounted. A turning bracket 81 is *rotatably attached to each of the support rods 79 adapted to engage the side braces 43* when the seat is folded down in the horizontal position." (column 3, lines 29-34) (emphasis added). Figure 1 from Alulyan is reproduced herein below.



United States Patent No. 5,904,168 to Alulyan - Figure 1

As shown in the Figure, the *turning brackets* 81 rest on the side braces 43 when the seat is folded down. Because of their rotatability, it is highly unlikely that the turning brackets provide lateral support to the side frames. Furthermore, it is even more highly unlikely that any lateral support is to the side frames by distributing such force across the seat. Hence, Alulyan fails to cure the deficiencies in Battison. The other references are similarly deficient. As such, it is respectfully submitted that claims 9 and 60 are patentable over the cited references.

**Claims 15 and 58:**

Claim 15 has been amended to describe an ambulatory device having, among other things:

“a seat having front and rear sections, wherein the rear section is pivotably mounted to said frames...wherein said seat further comprises a substantially flat sitting surface and an under-surface comprising a plurality of walled recesses.

Claim 58 includes a similar limitation. It is respectfully submitted that none of the cited and relied upon references teach or suggest such a seat. Battison discloses a seat with "a sold frame". (column 4, lines 27-29). Nowhere does Battison teach or disclose a seat having walled recesses. Alulyan fails to cure this deficiency. Though generally disclosing a seat, nowhere does Alulyan disclose a seat with walled recesses. As such, it is submitted that claims 15 and 58 are patentable over the cited references.

**Dependent Claims:**

Applicant submits that the dependent claims are patentable because they at least incorporate the same limitations as their respective independent claims.

Nevertheless, new claim 57 is submitted to be patentable on its own merits. More specifically, claim 55 describes support brackets that include one or more flanges extending substantially along the top surface of the support brackets.

**The Subsidiary References:**

The other references cited as well as those cited and not relied upon have been studied but are not deemed to be as relevant as the references mentioned above.

**Conclusion:**

Based on the foregoing remarks and amendments, Applicant believes that all of the claims in this case are now in condition for allowance and an indication to that effect is respectfully requested. Furthermore, if the Examiner believes that additional discussions or information might advance the prosecution of this case, the Examiner should feel free to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Date: 7/30/03

By: 

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